

ORDINANCE NO. 2020-02

An Ordinance prescribing the General Assistance program in Lyon County, Iowa

Be it enacted by the Board of Supervisors of Lyon County, Iowa.

SECTION I – POWER

This Ordinance is passed by virtue of the authority established under Iowa Code Chapters 251, 252, and 253, and Iowa Constitution Amendment 37, Section 39A, the County Home Rule Amendment.

SECTION II – DEFINITIONS

The definitions of terms as used in this Ordinance are:

1. **Needy Person**: A person or the family unit of that person who is domiciled in Lyon County, Iowa, or who is transient in the county and who, because of circumstances which are not attributable to that person, needs immediate assistance.
2. **Poor Person**: A person or the family unit of that person, who is domiciled in Lyon County, Iowa, and who, because of physical or mental disability, is unable to engage in gainful employment and otherwise cannot make a living.
3. **Assistance**: Assistance to the Poor and Needy as set forth and qualified in this Ordinance.
4. **Net Worth**: Includes income or monies from any source, monies due, savings and other deposits, stocks, bonds, real estate, cash value of life insurance policies, jewelry, and the value of other real and personal property, subject to certain exclusions as set forth herein.
5. **"Family Unit"**: Includes the individual applying and all members of the immediate family; spouse, children under eighteen (18) years of age, children over eighteen (18) years of age who are dependent upon the applicant for food, care and shelter, and anyone else who is a dependent of the applicant for federal income tax purposes, as long as such person resides with the applicant as a family member.
6. **"Liquid Assets"**: Cash or any other item of net worth of the family unit that can readily be converted to cash within seven (7) days.
7. **"Awaiting Approval and Receipt"**: A poor person who has applied for assistance under any state or federal law; who has pursued that application with due diligence; and who has not had that application denied. "Awaiting Approval and Receipt" does not mean or include an appeal of a denial of any application for benefits. It does not mean or include an appeal of denial of any application denied and who reapplies after eighteen (18) consecutive months have expired from the earliest date of denial.
8. **"Director"**: The Director of Lyon County General Assistance.
9. **Board**: The Lyon County Board of Supervisors.

SECTION III – ADMINISTRATION

- A. General assistance shall be administered, by the Lyon County Director of General Assistance, to poor and needy persons and their families when such persons are not supported by their own means, their relatives, or other public or private resources in accordance with this Ordinance. It shall be administered promptly, humanely and equitably to assure decent and healthful living circumstances to poor and needy persons.
- B. The Lyon County General Assistance Director or the Director's designee shall:
 1. Receive, on forms provided by the Director, all information from an applicant required to determine that individual's or family unit's eligibility for general assistance under this ordinance.
 2. Investigate fully the means and needs of each person filing an application for general assistance.

3. Reinvestigate as often as appears required by the elements of the individual case.

C. Prudent Person Concept.

The following are illustrations of circumstances in which County General Assistance personnel would find it "prudent" to make further inquiry into an individual's eligibility status:

1. The person's situation indicates potential resources.
2. Property or cash reserves are very near or equal to the limitations allowed.
3. Living expenses are greater than income.
4. The individual's situation indicates that some, if not all, of the eligibility factors need further inquiry or verification. This would include instances in which the individual:
 - a. appears to be mentally confused;
 - b. Property or cash reserves are very near or equal to the limitations allowed.
 - c. Has a known history of misrepresentation;
 - d. Is a transient of someone who changes his address frequently or has no permanent place of abode;
 - e. Does not give consistent answers or information consistent with other known facts.

- D. Any general assistance dispensed under this Ordinance will be granted on the vendor system, i.e. paid to a supplier of goods or services directly by the county, except when the emergency of the individual situation, as it then appears to the Director, requires payment by some other method.**

SECTION IV – AVAILABILITY AND LIMITATIONS ON ASSISTANCE

A. General:

General Assistance shall only be granted after completion of an application, on forms to be supplied by the Director, by the individual applicant or his legal representative. The application shall be verified by the applicant. The applicant shall only be eligible for general assistance after the investigation by the Director has been completed.

General Assistance, under this Ordinance, shall include only current amounts necessary for rent, utilities, provisions, including food and non-food items, medical services and funeral bills. It shall not include payments of deposits, taxes, interest or carrying charges, penalties, or past due amounts. Current amounts are those incurred within the most recent billing cycle.

There will be no utility assistance paid to any utility company during the disconnection moratorium months of November 1 through April 1.

General Assistance Benefits may only be accessed one time in a six-month period.

The maximum liability for any one applicant or family unit in any one calendar year for rent, utility, and provision services shall be \$400.

B. Rent:

1. Rent payment shall only be made to owners of property or their designee.
2. Rent shall not be paid to responsible relatives such as parents, grandparents, children, or grandchildren.
3. Rent shall not be paid if applicant has access to alternative means of shelter, for example: family, friends, and significant other.
4. Rent can be paid in the amount not to exceed \$200 per month, with a yearly maximum of \$400.00.

C. Utilities:

1. Utility payment may include payments to vendors of gas, electric, water, and fuel oil and merchants who may provide another type of fuel for heating or cooking and will not exceed \$200 for any given benefit month. (This does not include phone, cable, satellite, and internet or like services.)
2. The amount authorized shall be the amount of the current utility billing or a lesser amount depending upon the resources of the applicant of his family unit. Applicant must first seek LIHEAP (Low Income Heating and Energy Assistance Program) administered through Mid-Sioux Opportunity before County funds will be made available.
3. Utilities must be in the name of the applicant, or a member of the family unit for which application is made. If the expense of the utilities is being shared with others for whom application is not made, applicant shall be eligible for utility assistance on a pro-rata basis which is based upon the number of persons sharing expenses. A shut-off notice shall not be necessary for eligibility.
4. There will be no utility payments issued during the disconnect moratorium of November 1 through April 1.

D. Provisions:

This section covers payment for food and non-food authorizations:

1. Initial requests for food and non-food benefits shall be referred to the area food pantry.
2. In the event that food/non-food provisions from the food pantry are unavailable or exhausted, food authorizations for the benefit of the applicant and family unit will be provided by the Director directly to a grocery store according to the food stamp guidelines then effective, until the applicant and his family unit are found eligible for food stamps.
3. Non-food authorizations will be limited to soap products, paper products, household cleaning supplies, personal grooming supplies, non-prescription drugs, and any other non-food item shown by the applicant to be necessary to the applicant of family unit. Under no circumstances will food or non-food authorizations be used to purchase items such as pet food, tobacco products, alcoholic beverages, soda pop and candy.
4. Non-food provisions shall be issued to those eligible in accordance with the following schedule:

<u>Number in Household</u>	<u>Amount</u>
1	\$15
2	\$20
3	\$25
4	\$28
5	\$31
6	\$34

E. Medical Services:

Authorization from the Director must be obtained prior to provision of medical assistance. When it is not possible to obtain prior authorization, as in the case of emergency medical care, the General Assistance office must be contacted by the first working day following the provision of service.

When it appears to the Director that the cost of medical service will exceed the maximum benefit allowed by this ordinance, the Director will refer the applicant or member of his family unit to the Department of Human Services to access the Iowa Cares program funded through the University of Iowa Hospitals and Clinics.

1. Emergency: Payment shall be made for the reasonable value of emergency services. Should it appear to the Director, prior to the provision of any emergency medical services that such services can be reasonably provided at the University of Iowa Hospitals and Clinics via the "Iowa Cares" program, said referral shall be made.
2. Non-Emergency Medical Services:
Payment shall be made for the following services and goods:
 - a. To local hospitals, physicians, and health care providers for the reasonable value of medical care.
 - b. For prescriptions and non-prescription needs such as insulin, needles, bandages, gauze, etc.
 - c. To dentists and oral surgeons for dental work necessary to alleviate pain. Payment will not exceed \$100.00.
 - d. For optical services including eye examination and glasses. Payment shall not exceed \$100.00 and shall not be more frequent a three-year period. Payment for contact lenses shall not be approved.
3. The maximum liability for an applicant and/or his family unit in a calendar year for emergency or non-emergency medical services shall be \$1,000.00.

F. Burial:

1. The Director of Lyon County General Assistance shall be contacted with a request for assistance PRIOR TO the provision of funeral services.
2. **Vendor payment for burial expenses is limited to a maximum of \$1800.00 per person, for cremation services only.**
3. Any insurance, assets, resources or financial contributions must be applied to the burial expenses and will be used to offset the \$1800.00 owed by the county.
4. The General Assistance office must have an itemized statement of all burial expenses before a warrant will be issued to the vendor. Included expenses shall be:
 - a. Removal of the deceased from location of death, i.e. hospital.
 - b. Arrangements (meeting with family, notifying media, etc.)
 - c. Visitation/Memorial Service on a single day as scheduled with the Funeral Director, Monday-Friday.
 - d. Automotive transport (as required by Iowa Code).
5. Payment will not be allowed for clothing, flowers, clergy, organist, etc. and/or death certificate.

G. Miscellaneous:

Requests for any other type of General Assistance found by the Director to be appropriate that is not specifically mentioned in this manual shall be brought before the Board. Under no circumstances shall the Director find taxes, interest, carrying charges, or credit card balances to be current need for which General Assistance may be disbursed.

SECTION V – ELIGIBILITY

A. Location:

To be eligible for general assistance applicant must be a citizen of the United States of America and must be a resident of Lyon County according to Iowa law. The Applicant shall provide proof of citizenship upon request.

B. Resources:

1. Eligibility for general assistance shall be determined by the Director based on all household items of net worth, including but not limited to, both real and personal

properties and household income. Any transfer of property made within two years prior to the application and for the purpose of qualifying for assistance renders the applicant ineligible for general assistance.

2. A homestead, not to exceed forty (40) acres, shall be exempt from consideration of real property. A homestead shall not cease to be a homestead because of temporary absence of the owner, not to exceed six (6) months.
3. The following personal property shall also be exempt from consideration:
 - a. Household furniture, clothing of the applicant and family unit, bedding, and other items.
 - b. Tools and equipment used for self support, not to exceed \$1,500.00.
 - c. One motor vehicle per family unit not to exceed \$3,000 in value.
 - d. Burial lots or funeral trust funds.
4. An applicant or his family unit, determined to be a "poor" or "needy" person shall be ineligible for general assistance if the family unit's net worth is more than \$1,800.00.

C. Income:

General Assistance will not be authorized to subsidize any government or charitable funding that is expected to meet the need in question, i.e. rent assistance for those in low-income housing, food vouchers for those persons receiving food stamps, etc. Since FIP cash amounts have been determined by the state to meet all of the needs of a family, persons receiving FIP payments are ineligible for general assistance.

Further, persons who are discharged from the FIP Program due to meeting the sixty (60) month maximum are ineligible for general assistance. The Federal Government Welfare Reform Act of 1996 created an expectation that a person receiving welfare would work with the Department of Human Services to become self-sufficient within five years. Lyon County will not have general assistance policies that conflict with the Federal Government.

All gross income in cash, or in kind, received by, or readily available to, the applicant or his family unit shall be considered by the Director in determining eligibility. Any applicant, either a poor or needy person or their respective family units, shall be ineligible for general assistance if his or her family unit's income exceeds the amount of 100% of the current established federal poverty levels.

The manual allows certain exceptions as provided for in our ordinance. Additionally, unusual circumstances regarding applicants will be brought to the attention of the Board of Supervisors by the General Assistance Director.

D. Needy Persons:

To be eligible for general assistance, a needy person must additionally qualify as follows:

1. General assistance is to be provided a needy person who is in need of immediate assistance, who cannot obtain assistance from any other source, and whose income or assistance from a state or federal program has been delayed or not actually received by that person because of reasons not attributable to that person; who does not have liquid assets of the family unit from which to pay for the items of assistance that can be provided. General assistance may also be provided to persons who are in need of immediate assistance, cannot obtain assistance from any other source, shows net worth is less than \$1,500.00, and who, because of reasons not attributable to that person, does not have liquid assets of his or her family unit from which to pay for items of assistance that can be provided.
2. The applicant must use and be using all available resources to meet his and his family unit's needs. To be eligible for general assistance, the applicant must exhaust the resources of those persons charged by law to provide for the needs of the applicant.

3. The applicant must apply any private health or life insurance benefits towards the cost of care and/or funeral expenses.
4. If the applicant is employable, he or she must be registered, or register immediately, with Iowa Workforce Development if not caring for minor children. The applicant must accept work or job (re)training as assigned by that agency. If the ability to work is disputed or applicant claims any medical condition which would prohibit him from working or would jeopardize his health or safety, applicant shall be sent to a physician for a determination of work ability or medical limitations on work ability.
5. A person must be eighteen (18) years of age, not claimed as a dependent for federal income tax purposes and not living as a member of his parents' family unit.
6. Assistance shall not be granted to students or members of their family unit who are enrolled in a full-time vocational or academic program beyond the twelfth grade of high school. A person continues to be considered a full-time student during school vacations if expected to return to full-time attendance when vacation is over.

E. Poor Persons:

To be eligible for general assistance a poor person must additionally qualify, as follows:

1. The applicant must demonstrate to the Directors' satisfaction that he or she has, in fact, some physical or mental disability which prohibits applicant from engaging in gainful employment.
2. If the asserted mental or physical disability is disputed, the Director may have applicant examined by the appropriate medical authority to establish the existence of the mental or physical disability and the impact it may have upon the employability of the applicant.
3. The applicant shall, if requested by the Director, sign any necessary waivers allowing the Director access to applicant's medical records, when necessary, in order to decide as to the existence and extent of any such mental or physical disability.

F. Additional Eligibility Requirements:

1. General Assistance funds shall not be utilized until all other sources of public assistance have been exhausted. Any applicant who appears to the Director to be eligible for other local, state, or federal programs of assistance shall be referred by the Director to the proper source of such programs. If any such applicant refuses to apply for any other programs of assistance, that applicant will no longer be eligible for county general assistance.
2. Applicants with children under the age of eighteen (18) in the home must apply for FIP through the Department of Human Services.
3. The applicant is not eligible for assistance if they voluntarily quit their job without good reason or were discharged from their job, although exceptions may be made at the discretion of the Director. Furthermore, applicants are not eligible for assistance if they are unemployed for the purpose of seeking post high school training.
4. General assistance will not be authorized if said authorization will not remedy the problem, i.e. if a person cannot produce evidence of ability to pay the bill in the next month.

F. Financial Reimbursement Request(s):

Financial Reimbursement will be requested when:

1. Applicant expects to receive a regular monthly income soon, which will be above income guidelines.
2. Applicant receives, or expects to receive soon, a lump sum income payment, inheritance, or any other resource of value which is not exempt under income and/or resource guidelines.

The provisions of Chapter 252.14, Code of Iowa, for repayment of benefits to Lyon County, are applicable and the applicant shall acknowledge the same in writing. Those recipients of assistance who are able or medically determined able to labor may further be required to work for the County as a condition to receipt of such benefits as required in Sections 252.7 and 252.42, Code of Iowa. Benefits provided a recipient may be a further claim against the homestead of a recipient and a claim in probate as provided by law.

SECTION VI – PROCEDURE

A. Application Completion:

Applicants for general assistance shall file their applications and any other evidence or information deemed necessary by the Director to assist in the determinations required by this ordinance at the Lyon County General Assistance Office located at 315 1st Ave., Rock Rapids, IA 51246, during usual business hours. If, because of undue hardship, an applicant cannot come to the General Assistance Office, the Director shall mail such person an application form.

It is the obligation of each person applying for general assistance to establish his or her eligibility and/or need for any category of general assistance authorized by this ordinance. If requested by the Director, the applicant shall provide a verified statement showing all items of real and personal property constituting new worth, federal and state income tax returns for the past five (5) years, any medical reports required and/or any other information that bears upon the applicant's eligibility and need for assistance.

The Director shall also receive and consider in connection with the determination of eligibility and need, any other information, and statements, letters or memoranda applicant desires to submit. The Director shall then proceed to conduct a reasonable investigation concerning applicant's eligibility and needs.

B. Initial Determination:

1. The Director shall make an initial determination of the eligibility and needs of the applicant within five (5) working days of the receipt of the application. If possible, the applicant will be notified by telephone within 24 hours regarding his/her determination decision. Notification by ordinary mail will be sent within five (5) working days to the applicant at the last address shown on the application. The Director's written decision shall note the reason(s) for the determination and the applicable statutes or ordinances, as well as the specific benefits and related amounts to which the applicant is entitled, or which were denied.
2. If the Director cannot make the initial determination within five (5) working days, the Director shall immediately notify the applicant, by telephone if possible, regarding the reasons why such determination cannot be made within the timeframe listed in item one of this section. Same notification by ordinary mail will be sent to applicant within five (5) working days to the current address shown on the application.
3. If an applicant has previously been found eligible, the Director need not receive a new application, but may proceed to a determination of whether current assistance is warranted. Notice and mailing of such determination shall be as provided above. If an emergency and immediate need is present, the Director may verbally authorize a supplier or vendor to furnish any item of assistance for the benefit of the applicant and the amount allowed for such benefit. The Director shall inform the applicant and issue a written decision as provided above.
4. Whenever an applicant is found eligible and entitled to assistance, the Director shall proceed to provide the same and notify the Board of Supervisors.

C. Appeals:

1. Every applicant, whether granted assistance or not, shall be informed by written decision of the applicant's right to appeal such decision to the Board of Supervisors. The applicant shall be informed (a) of the method by which an appeal may be taken, and (b) that he or she may represent him or herself or may be represented by an attorney.
2. Any written appeal or communication to the Director by or on behalf of an applicant requesting appeal of a General Assistance determination, shall be taken by the Director and put immediately upon the board of Supervisors' agenda, in accordance with Chapter 28A, Code of Iowa, for the next regular Board meeting, provided that such appeal shall not be heard sooner than five (5) days after appeal is taken. The written appeal or communication must be made to the Director within ten (10) days of the General Assistance determination, provided with the applicant's current address and telephone number, and state the reasons for the appeal. The applicant shall be informed immediately, by telephone and by ordinary mail, of the date and time of hearing before the Board. Applicant and his or her attorney, upon written authorization, shall be granted access by the Director to his or her assistance case file if request is made.
3. The Board of Supervisors shall hear applicant's appeal de novo at the time scheduled in the agenda unless continuance is requested by applicant. Applicant shall be permitted to present whatever evidence desired in support of the appeal including testifying, having other witnesses testify, offering documentary evidence and reasonable cross examination of other witnesses, if present. The technical rules of evidence shall not apply. The Board may set reasonable times for the evidence. The Board may question the applicant, and the Director shall present the hearing before the Board with the reasons for the determination. The appeal will be tape recorded. The hearing before the Board will not be an open meeting under Chapter 28A, Code of Iowa, since the confidential files of the applicant will be in evidence. When the Board deliberates on the appeal, no parties shall be present.
4. The Board shall decide on the appeal within five (5) working days. The Board's decision shall be only based on the evidence submitted before the Board. The applicant shall be informed immediately by telephone of the decision and within four (4) working days thereafter, the Board shall mail to the applicant at his or her last know address, by ordinary mail, its' decision in writing. The decision shall state the reasons for the action, together with any statute or ordinance applied. The Board's decision shall also state that an appeal may be taken from the Board's determination, as provided below, and the method by which such appeal may be taken.
5. Any appeal to the district court shall be allowed by the applicant from the Board's decision within the time and the by the manner and procedures established under the Iowa Administrative Procedures Act, Chapter 17A, Code of Iowa.

SECTION VII – ACTIONS OF THE BOARD OF SUPERVISORS

In the event the Board of Supervisors, in reviewing the actions of the Director of General Assistance, questions any allowance of assistance benefits allowed by the Director, it shall take no action concerning such allowance until it conducts a hearing. This hearing, the reasons for it, and notifications to the applicant shall be given in the same manner as an appeal from the Director's determination.

SECTION VIII – SEVERABILITY

If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION IX – REPEAL OF CONFLICTING ORDINANCES

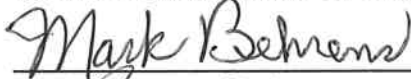
All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION X – EFFECTIVE DATE

This ordinance shall be in effect from and after final consideration, approval and publication as provided by law.

Adopted this 24 of March, 2020

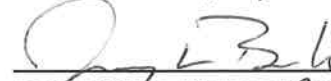
LYON COUNTY BOARD OF SUPERVISORS




Mark Behrens, Chairman




Steve Herman, Supervisor



Jerry Birkey, Supervisor



Merle Koedam, Supervisor



Joshua Feucht, Supervisor

ATTEST:



Jennifer Smit
Lyon County Auditor

First Reading: March 10, 2020

Second Reading: March 24, 2020

Third Reading: Waived, March 25, 2020